

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**TRUSTEES OF THE PAVERS AND ROAD  
BUILDERS DISTRICT COUNCIL  
WELFARE, PENSION, ANNUITY AND  
APPRENTICESHIP, SKILL  
IMPROVEMENT AND SAFETY FUNDS,  
and THE HIGHWAY, ROAD, AND STREET  
CONSTRUCTION LABORERS LOCAL  
UNION 1010,**

Plaintiffs,

-against-

**GENRUS CORP.,**

Defendants.

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**Ann M. Donnelly, United States District Judge:**

On July 26, 2018, the plaintiffs brought this action against Genrus Corp. under Sections 502 and 515 of the Employee Retirement Income Security Act and the Labor Management Relations Act of 1847. (ECF No. 1.) In a Report and Recommendation issued on September 6, 2019, Magistrate Judge Cheryl L. Pollack recommended that the plaintiffs' motion for default judgment against Genrus Corp. be granted, that the plaintiff be awarded unpaid contributions, union dues, and liquidated damages and attorneys' fees and costs, and that the defendant be ordered to submit to an audit of its books and records for the period of December 1, 2014 through the present. (ECF No. 24.) No party has objected to Judge Pollack's Report and Recommendation within the time prescribed by 28 U.S.C. §636(b)(1).

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where, as here, no party has objected to the magistrate judge's recommendation, "a district court need only satisfy

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**ORDER ADOPTING REPORT  
AND RECOMMENDATION  
18-CV-04232 (AMD) (CLP)**

itself that there is no clear error on the face of the record.” *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

This Court has reviewed Judge Pollack’s thorough and well-reasoned opinion, and finds no error. Accordingly, the plaintiff’s motion for default judgment is granted, and the plaintiffs are awarded \$15,999.28. The defendant is ordered to submit to an audit of its books and records for the period of December 1, 2014 through the present within 30 days of this order and to pay any amounts determined to be due and owing. The Clerk of the Court is respectfully directed to enter an award to the plaintiffs and close to this case.

**SO ORDERED.**

s/Ann M. Donnelly

  
Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
September 23, 2019